YORK, MONDAY, DECEMBER 17, 1894.

2 O'CLOCK.

DIVVER, P. J., AT THE BAR.

The Police Justice Accused of Misdemeanors and Malfeasance in Office.

NO ANSWER WAS RETURNED

His Lawyer Moves to Dismiss or the Grounds of Vagueness and Absence of Proof.

PROSECUTOR HALE OBJECTS.

He Declares the Charges Were Swern to Before Lexow and Are Matters of Common Report.

Public interest was shifted to-day from the chambers of the Superior Court and the Lexow investigation, across the broad rotunda to the Court of Common Pleas, where Police Justice Patrick Divver had been summoned to answer the charges brought against him by the five taxpayers, represented by Lawyer W. H. Hale, and to show cause why he

H. Hale, and to show cause why he should not be removed from the judical bench.

These extraordinary impeachment proceedings require the attendance of the full bench of the Court of Common Paks, which consists of Chief Justice Joseph F. Daly, and Judges Henry W. Bookstaver, Henry Bischoff, jr., Roger A. Pryor, Leonard A. Giegerich, and Miles Beach, and special rules have been adopted for the conduct of the case.

Says the Charges Are Vague.

He then went over the charges separately, and declared that in each of the four counts no definite facts were presented, and that all the accusations were so vague and uncertain, both as regards time and place, that they should not be entertained by the Court, in their present form at least.

He pointed out that all the charges were made upon information and belief, and that the affidavit of William H. Hale, the Brooklyn lawyer, who appeared as attorney for the six taxpayers, was no stronger than the statement of his client.

Mr. Rollins insisted that the technical objection, which he made was valid, and that the charges should not be entertained.

Then this is, in effect, a motion to dismiss the charges?" asked Chief Justice Daly.



The charges against Divver were filed by. 27, and at the time he was allowed

The Charges Against Divver.

He is charged with high crimes and misdemeanors, and violations of the statutes of the State in having been habitually careless, negligent and inefficient in the discharge of his duties as a police justice; in having committed a brutal assault upon Liquor Dealer Morris Tekulsky, and engaged in a public brawl; in having instigated violations of the Election law by assisting in fraudulent registration and voting, and in having been engaged in the greengoods business with the notorious Edward Parmeley Jones, with whom he is alleged to have divided the profits of the swindle.

Mayor Gilroy Uses It in Laying an Armory Cerner-Stone.

HIS SILVER TROWEL, Seward, Lieut.-Col. Thomas B. Rand, Adjt. Godfrey A. S. Wieners, Major S. E. Japhs Major George T. Lorigan, Adjt. George J. Hardy, Adjt. William H. Truman and Major A. H.

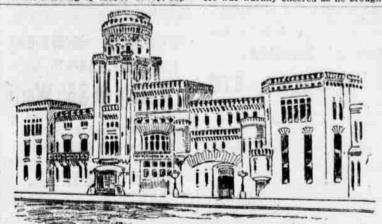
Doty.

After bugle solos performed by the regimental trumpeter, Dr. Maynard read a prayer and Mayor Gilroy laid the

The Ninth Regiment to Have a Home in Fourteenth Street.

No Standing Army Needed in This Country, Says the Mayor.

The corner-stone of the Ninth Regiment's new armory in Fourteenth street, between Sixth and Seventh avenues, was laid this morning by Mayor Gliroy, sup-



HOW THE NEW ARMORY WILL LOOK.

ported by the Armory Board and civil and military officials.

The religious features were conducted by Rev. Newland Maynard, chapiain of the regiment.

Among those present were: Col. Will
the engraved silver trowel down upon the stone and pronounced it laid.

The stout copper box within the stone was filled with all sorts of documents bearing upon the history of the regiment. The new armory is to be of gray stone, in fortress style, with turrets and looped walls.

the attention of this Bench," said he.
"The machinery of this court ought not
to be set in motion in a proceeding of
this kind except upon a most serious
prsentation of the case against the delendant."

Says the Charges Are Vague.

dismiss the charges?" asked Chief Justice Daly.
"It is, your Honor," replied Mr. Rollins, "on the first ground that there is no sufficient affidavit accompanying the charges, and on the second ground that there is a want of specific statement as to the source of information of these six taxpayers, who say that they only make the charges on information and belief."

there is a want of specific statement as to the source of information of these six taxpayers, who say that they only make the charges on information and bellef."

The six signers to the Charges.

The names of the six accusers of Justice Divere are Pranz Kohlenberg, Charles E. Sprague, Isaac K. Funk, Henry V. Jarsell, John F. Harrison and Nathaniel H. White, and Mr. Rollins said that there was no evidence that any one of them knew anything personally in regard to the matter with which they charged the Police Justice.

In reply, Lawyer Hale, who was unsupported by any other counsel, stated that in the absence of precedent he thought the charges should be regarded in the nature of an ordinary complaint. He maintained that it was not necessary to have any affidavit ni support of the charges, which were based upon sary to have any affidavit ni support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were based upon sary to have any affidavit no support of the charges, which were shaded upon sary to have any affidavit no support of the charges, which were shaded upon sary to have any affidavit no support of the charges, which were shaded upon sary to have any affidavit no support of the charges should be regarded in the nature of an ordinary complaint. He maintained that it was not necessary to have any affidavit no support of the charges should be repaired.

The confession of Policeman Augustus are recited that the victims, almost without excepti

in having been engaged in the greengoods business with the notorious Edward Parmeley Jones, with whom he is
alleged to have divided the profits of the
Justice Divver's chief counse in these
proceedings is ex-Surrogate Daniel of
Gollins, and associated with him is Lawyer Abraham Levy. They were among
arrived in the court-room before the
crowd had been admitted. Justice Divyer accompanied them, and it was said
that he was prepared to make a general
clenial of the charges. It was said
that he was prepared to make a general
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clenial of the charges. It was said
that he was prepared to make a general
clenial of the charges.

Levy Expects a Dismissal.

Lawyer Levy stated that while he did
not intend to give any outline of his
programme in advance he would say
elightest foundation for the charges, and
declared that he expected to see the
bottom fall out of them.

The proceedings are of this coucled depletately, "said he.

Justice Divver looked somewhat wormed, depletately," said he.

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Justice Divver looked somewhat wormed, deplete the assurances of his councled, deplete the assurances of his councled, deplete the assurances of his counmed, deplete the deple

GOING HIGHER UP NOW

This Week's Lexew Session Promises to Be Very Sensational.

Inspector Williams Expected to Take the Stand To-Morrow.

week to go from Higher Up to Highest Up, and Lawyers Goff, Jerome and Moss are confident that the ascension will be speedy and effective.

It was learned this morning that among the first to be put on the rack

the status of an ordinary complaint. In the nature of an ordinary complaint in the nature of an ordinary complaint. In the nature of an ordinary complaint in the nature of an ordinary complaint in the nature of an ordinary complaint. In the nature of an ordinary complaint in the nature of the charges, which were hased upon the control of the charges and in the charges half what we know to be true in regard to prove against him."

Intimation of Underhand Work.

Mr. Hale said that he was not prepared to follow the defense through its substranean and shiny methods. In the nature of the charges against Justice Oliver, and would hand became very much excited as he alluded to underhand attempts which he believed the charges. He raised his voice to a high pitch, as he said that he had prepared additional charges against Justice Divver, and would hand the prepared additional charges against Justice Divver, and would hand the charges we parately, and in behalf of his client denied each one specifically. He clerk, which was taken by Judge Dely, but not read. The latter said that before taking any action the Court would the charges we parately, and in behalf of his client denied each one specifically. He charges we parately, and in behalf of his client denied each one specifically. He charges we parately, and in behalf of his client denied each one specifically. He charges we parately, and in behalf of his client denied each one specifically. He charges are presentation of alleged facts against the defendant the Court could not serial presentation of the case should be an obtained the court could not serial proper presentation of the case should be an obtained the court could n

Once Millionaire, New Poor. Count Joseph de Susini, who was at one time ralied the Napoleon of cigarette manufacturers, and whe was worth \$16,000.000, is dyint in pov-erty at 145 West Tenth street. Bad business luck rulned him.

A Calendar for the Poor. W. H. Stevens, a tenement-house philasthropist, has gotten up a useful food and hraith almanuc for 1885, replete with recipes showing how the poor sheald cook their food. It also gives such good advice as "Labor, learn and pray," and "Wear weeline understerishing."

CONFESSES.

Official Statement Regarding the Slaughter of Chinese at Port Arthur.

WORLD'S REPORT CONFIRMED

Japanese Government Deplores the Massacre as a National Misfortune.

GLUT VENGEANCE

Mikado's Ministers Take Steps to Thoroughly Investigate the Horrible Affair.

Copyright, 1894, by the Press Publishing Com-pany, New York World.) (Special Cable Despatch to The World.) TOKIO, Japan, Dec. 16.-The following statement is authorized for publication

n The World by Mr. Mutsu, the Japan ese Minister of Foreign Affairs: "The Japanese Government desires no concealment of the events at Port Arthur. On the contrary, it is investigating rigidly for the purpose of fixing the exact responsibility and is taking measures essential to the reputation of

"From the beginning of the war every onceivable precaution has been taken to guard against excesses. The disovery that discipline was unavailing in this single instance shocks and grieves both the civil and military authorities.
"The facts thus far gathered show onclusively:
"First, that the Japanese troops

ransported with rage at the mutila tion of their comrades by the enemy, broke through all restraints. "Second, that, further exasperated by the wholesale attempts at escape dis guised as citizens, they inflicted ven

reance without discrimination, "Third, that the detection on succes tive days of repeated Chinese atrocities rekindled the fury and provoked frest

"The Japanese Government deplores national misfortune the unciples to which it was and always will be pledged. It feels bound, nevertheless, to protest against exaggerations calculated to present the affair in a distorted and misleading aspect.

stance relapsed into barbarism. All pretenses that circumstances justi-fied the atrocities are false. The civilized world will be harrified by the de- WILL HE SAVE "BAT" SHEA?

by the spectacle, lest the army in a body. CREELMAN.

GRESHAM THANKS THE WORLD Gives More Yews from Port Arthur than Government Despatches.

ment of the United States. Secretary of State Gresham gave undisguised expression of astonishment at thanks to The World for putting him in possession of important news from the

"That contains more information re-garding the events that occurred immediately after the fall of Port Arthur than is in the possession of the State Department, and I am almost equally certain of the Navy Department. We have heard absolutely nothing of the "There can now be no question that there

(Continued on Second Page.)

CHRISTMAS IS COMING.



All the Good Little Boys Are Hurrying to Join Supt. Stong's Sunday-School in Time for the Christmas Tree.

THE ITALIAN CRISIS.

Preroguing of Parliamen

Creates a Bad Impression. ROME, Dec. 17.—The political crisis continues to absorb public attention. Ex-Premier Giolitti has gone into the country where he is followed and watched by expected transgression of the prin- detectives. There is no doubt that the news of the proroguing of Parliament has created a bad impression throughout Italy. It is interpreted as indicat-



"THE WORLD'S" REPORT.

It Stated that Practically the Whole Population Was Stain.

"The Worlds" exclusive report of the barbarities at Port Arthur, which brought out the foregoing statement to "The World" by the Japanese Government, is as follows: (Copyright, 198, by the Press Publishing Company, New York World.)

Jonano, New Yes World.)

YOKOHAMA, Japan, Dec. II.—The Correspondent of The Times at Rome telegraphs: "The Japanese troops entered Port Arthur on Nov. 21 and massacred practically the entire population in cold blood.

The defenacless and unparmed inhabiliants were butchered in their houses and their bodies were unspeakably mutilated. There was an unrestrained reign of murder, which continued for three days. The whole town was plundered with appalung arrocities.

It was the first stain upon Japanese civilization. The Japanese in this instance relapsed into barbarism.

All preteness that efreumstances justi
The World's was the first stain upon Japanese civilization. The Japanese in this instance relapsed into barbarism.

All preteness that efreumstances justi
The World's the World of for your crooked under the committee appointed to the Committee appointed to the Committee appointed to the Committee appointed to the Committee of the Committee to the Committee of the

against the prorogation of Parliament.

The foreign correspondents, horrified Gov. Flower Says He Has Not Yet Considered the Matter.

Gov. Flower is in the city to-day, having come down from Albany in oredr to attend the funeral of Adj.-Gen. Josiah Porter. He will return to the Capital to-night.

An "Evening World" reporter saw the (Special to The World.)

WASHINGTON, Dec. 16.—The cable and asked him about a report that a Governor at the Windsor Hotel to-day. from the Japanese Government to The strong effort will be made to induce him who is now awaiting execution, to amprisonment for life. Shen is the Troy prisonment for life. Shen is the Troy "heeler" who killed Robert Ross, the ing at 19 West One Hundred and Pourth street who says he is related to Senator Robbins, who says he is related to Senator Robbins, who says he is related to Senator Robbins, and a charge of a to commute the sentence of "Bat" Shea. | " ts contents and expressed the warmest Republican watcher, at the Spring elec-

very well talk about any such matter, in After he had carefully read over the advance of the announcement of his official decision, but that he would say that he knew nothing about this particular to the World correspondent to-night.

Mr. Gresham sald:

Weather Forecast. The weather forecast for the thirty-six hours

nding at 5 P. M to-morrow is as follows: Fair needay; colder; westerly winds.

The following record shows the changes in temperature during the moraling hours, as indicated by the thermometer at Perry's pharmacy, 3 A. M., 49/6 A. M., 49/8 A. M., 43/12 M., 52

Smoke "Programme," the new Virginia Charette, Sc.

WHAT DWYER MEANT,

Referred to Gideon as a Sportsman, Not a Breeder.

Race at Sheepshead Bay.

Justice Barrett, in the Supreme Court, to-day heard argument upon the de murrer filed by Philip H. Dwyer, Presithe suit that David Gideon has brought against him to recover \$50,000 damages for slander. The ground is that the omplaint does not contain sufficient ullegations. Mr. Gideon's complaint alleges that on June 30, while he was in the club-house

at Sheepshead Bay, Dwyer said to him:

Shoots His Wife and Cuts His Thront--Both May Die.

BOSTON, Dec. 17.-In a tenemen ouse at 32 South Russell street this morning James Murphy attempted to murder als wife, first by shooting her and then attacking her with an Indian club and an ax. He then cut his throat. The physicians say both will die.

As a result, it is said, of the persocution oliceman Gill, who wrongfully arrested her

Westchester County, was arraigned at Yorkvil Partice Court tills morning on a charge of assisting other-period form West, the daughter an ash cart driver. Justice Meade held him furtal in 8500 ball.

Strong Man's Strong Box. Albert Chapman, Sandow's valet, who all confed with several hundred deliars worth of t

Mrs. Clark Williams, of Youkers, claims to hav een a large whate in the Mudzen on Thursda

EUGENE KELLY, SR.' DYING.

Doctors Hold Out Little Hope tha He May See Another Day.

Eugene Kelly, sr., the banker, is worse this morning. The doctors left his bedside at 6 o'clock this morning and returned at

C. I. J. C. President's Novel Argum. nt Against a Suit for Slander.

m. nt Against a Suit for Slander.

Mr. Kelly became seriously ill on Dec.
4. He was stricken with paralysis. He rallied, however,, and physicians hoped his strong constitution would pull him through. A trip South was arranged for He was iargely interested in banking business in Savannah and other Southern cities.



ROBBED BY MASKED MEN.

Six Burgiars Secured a Large Sun from David Slocum.

ERIE, Pa., Dec. 17.-David Slocum and wife, living near Edinboro, were robbed about midnight by a gang of masked burglars. The burglars, six in number, broke down the door with a rail. Four of the gang entered the house and bound the aged couple in their bed and then beat them into submission.

The burglars set out to torture the couple into revealing where their money was hid, but just as the oil was being applied to Sixum's feet, one of the burglars found a money chest. This and other hiding places showed up between the variance feeling existing between the archbishop and Priest.

Archbishop Corrigan this morning made his regular visit to St. Leo's thurch, of which Rev. Father Ducey is the pastor.

The variance feeling existing between the variance feeling existing between the archbishop and Priest.

Archbishop Corrigan this morning made his regular visit to St. Leo's Archbishop and Priest.

Archbishop and Priest. and wife, living near Edinboro, were

LONDON. Dec. 17 .-- A despatch from Madrid

view Prime Minister Segasta had to-day with the Queen Regent, the resignation of Senor Salva-dor Minister of Finance, was accepted. Her Majesty would accept no other changes in the Ministry. No Crouse Settlement. SYRACUSE Dec 11.—It is now denied that the attorneys for Mrs. Sieghert Kosterlitz, of New tork, have made a settlement with local attorneys of the ctaims of Mrs. Sieghert Kosterlitz, mother of the alleged legitimate hild. Derothes Edgaria Crouse Wilson, of Edgar Crouse, the dead millionaire, of this

WAUPON, Wis., Dec. 17.—The Schultz children who disappeared from their home last Membrade and for whom hundreds of men had been searching daily, were found dead yesterday in the woods, two miles from the homesteed. They died from exposure.

PRICE ONE CENT.

I AM GUILTY, SAYS SEELY.

Bank Robber Admits His Wrongdoing in Court To-Day.

TO BE SENTENCED FRIDAY.

He Has Been Living at the Warden's Table in Ludlow Street.

STILL MAINTAINS HIS NERVE

His Wife Visited Him YeslerJay and Spent Some Time

Samuel C. Seely, the defaulting bookkeeper of the Shoe and Leather Bank was arreigned in the United States Court this morning.

After hearing the indictment read to him, Judge Benedict asked;

"How do you plead?" "Guilty," he answered. He was then remanded until Friday

for sentence. Samuel C. Seely, the Shoe and Leather Bank defaulter, was up at 7 o'clock this morning and had his breakfast at the table of Warden Fox in Ludlow Street Jail. For the privilege of meals at the Warden's table Seely pays \$15 a week. Seely declines to say anything to re-porters. His wife and child called at the jali on Sunday, and the officers may the

meeting was very affecting. Seely was

meeting was very affecting. Seely was unnerved at first.

What plea Seely will make to the indictment his attorney, Frank W. Angel, refuses to say, but it is intimated that it will be one of guilty. Possibly, if Seely assists the bank to clear upits accounts and gives sufficient authentic infomation as to where the 135,000 went, how it was disposed of and something of how it may be recovered, leniency may be extended to him. While in round figures he has robbed the bank of \$35,000, in the indictment he is only accused of abstracting \$5,800, in three separate amounts.

Mrs. Baker, the widow of Frederick Baker, who Seely says got all of the big theft except \$10,000, defends her dead husband, and intimates that there is a conspiracy to cover up misdoings by making Mr. Baker a scapegoat.

Seely, it is expected, will be arraigned to day in the United States Circuit Court before Judge Henedict, to plead to the indictment found against him by the Federal Grand Jury, charging him with embezzlement and making fulse entries.

Deputy United States Marshal Hur-ley brought Seely to the Federal Build-ing from Ludlow Street Jail at 19,30 and took him to the private office of United States Marshal McCarty. Seely was treated with much consideration. He was not handcuffed. The minor criminal lights, such as counterfeiters and fraudulent applicants for citizen's papers, were all handcuffed together and marched into the pen by platoons.

STEPHENSON'S DAY OF GRACE

Lawyer Shafer Gets the Time for Sentence Postponed Until Friday. Lawyer Ira Shafer appeared in the ing to get the time for the sentence of later than Thursday, the date which

Justice Ingraham had set.

To-day the time for filing the bill of exceptions expired, and Mr. Shafer wanted more time.

When Justice Ingraham took his seat Mr. Shafer moved that the sentencing of Stephenson be put off until Tuesday of next week.

"That's Christmas," said Justice Ingraham. graham.
"Wefi, will Your Honor sit here next
Saturday?"

"No; make it Friday." "No; make it Friday." "Very well. I think I can make that. Thank Yr Honor," and the portly lawyer left the court-room. CORRIGAN VISITS DUCEY.

interesting than it usually is. The Archbishop arrived at Father Du-The Times says that, as a result of an inter- cey's house about 10 o'clock. Father

Ducey met him and there was nothing unfriendly in the outward greeting. Then Father Ducey went to the church to say mass, and the Archbishop await-ed his return.

Mrs. Mary McGuire, who was arrested flaturds with Henry Oliver and George Allen in Bridge

Died in the Cathedral.